

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Trey Alexander Williams, ) Case No. 6:19-cv-01065-DCC  
                          )  
Petitioner,            )  
                          )  
v.                     )                           **ORDER**  
                          )  
                          )  
Charles Williams,     )  
                          )  
                          )  
Respondent.           )  
                          )  
\_\_\_\_\_

Petitioner, proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On April 26, 2019, the Magistrate Judge issued a Report recommending that the Petition be dismissed without prejudice and without requiring Respondent to file a Return. ECF No. 19. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. In response to the Report, Petitioner filed a Motion for Appointment of Counsel and a Motion to Transfer State Cases.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As previously stated, Petitioner did not file objections to the Report; however, he did file a Motion for Appointment of Counsel and a Motion to Transfer State Cases. The Court has reviewed these documents and finds that, liberally construed, Petitioner restates arguments already raised to and addressed by the Magistrate Judge and may state general objections to the Report. Out of an abundance of caution for a pro se Petitioner, the Court has conducted a de novo review of the record, the applicable law, and the Report of the Magistrate Judge. Having done so, the Court agrees with the recommendation of the Magistrate Judge that this action is subject to summary dismissal; accordingly, the Court adopts the Report by reference in this Order. This Petition is **DISMISSED** without prejudice. Petitioner’s Motions [22, 23] are **FOUND as MOOT**.

**IT IS SO ORDERED.**

s/ Donald C. Coggins, Jr.  
United States District Judge

May 30, 2019  
Spartanburg, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.